

United States Government

Department of Energy

memorandum

DATE: November 3, 2000

REPLY TO:

ATTN OF: Office of Environmental Policy and Guidance: Boulos: 6-1306

SUBJECT:

INFORMATION-RECENT CLEAN AIR ACT-RELATED FEDERAL REGISTER
NOTICES: August 2000 to October 2000

TO:

Distribution

EH-412 has been routinely distributing material on Environmental Protection Agency (EPA) clean air-related Federal Register (FR) notices not otherwise transmitted to program and field offices in order to make the Departmental complex aware of information that may be of relevance to its operations. Attached are summaries of clean air-related FR notices published during the period August 2000 to October 2000.

Questions pertaining to the notices related to hazardous air pollutants should be directed to Emile Boulos of my staff (emile.boulos@eh.doe.gov; 202-586-1306), Questions on the remaining notices should be directed to Ted Koss of my staff (theodore.koss@eh.doe.gov; 202-586-7964).

(Original was signed by A. Wallo)

Andrew Wallo III
Director
Air, Water and Radiation Division

Attachment

ATTACHMENT

Clean Air Act (CAA)-related Federal Register (FR) Notices Published during the period, August 2000 to October 2000

- **NOTICE OF DATA AVAILABILITY: 40 CFR Part 60, "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources for Commercial and Industrial Solid Waste Incineration Units", (65 FR 52058; August 28, 2000).**

On August 28, 2000, the Environmental Protection Agency (EPA) issued a notice announcing the availability of additional data that supplement the database of emissions test reports used in developing the final regulations for commercial and industrial solid waste incineration (CISWI) units. EPA plans to issue the final regulations by November 15, 2000. The proposed regulations to limit air pollution emissions from CISWI units were published on November 30, 1999, (64 FR 67092).

- **FINAL RULE: 40 CFR Part 63, "National Emission Standards for Halogenated Solvent Cleaning", (65 FR 54419; September 8, 2000).**

On September 8, 2000, the Environmental Protection Agency (EPA) issued a final rule on corrections and clarifications to the December 3, 1999 (64 FR 67793) final rule changes to the halogenated solvent cleaning national emission standards for hazardous air pollutants (NESHAP). The corrections fix an incorrect cross-reference included in the revised regulatory text and add regulatory language that was inadvertently omitted. These clarifications and corrections ensure that owners and operators of affected sources and local and State authorities have a clear understanding to implement the requirements in 40 CFR Part 63, Subpart T.

- **FINAL RULE: 40 CFR Parts 9 and 63, "Hazardous Air Pollutants: Amendments to the Approval of State Programs and Delegation of Federal Authorities", (65 FR 55810; September 14, 2000).**

On September 14, 2000, the Environmental Protection Agency (EPA) issued a final rule to amend the existing regulations that implement Section 112(l) of the Clean Air Act. The purpose of this action is to modify the EPA's procedures for delegating hazardous air pollutant (HAP) standards and other requirements to State, local, and territorial agencies, and Indian tribes (S/L/T). Under section 112(l) of the Clean Air Act, EPA is authorized to approve alternative S/L/T HAP standards or programs when such requirements are demonstrated to be no less stringent than EPA's rules.

The changes will help S/L/T's by offering a range of options for demonstrating equivalence with the Federal requirements and expediting the approval process. These changes are in response to requests from State and local air pollution control agencies to reconsider EPA's existing regulations in light of implementation difficulties that they anticipate or have experienced. This rulemaking does not include any requirements that apply directly to stationary sources of HAP or small businesses that emit HAP. This final rule will be effective on October 16, 2000.

Section 112(l) was added to the 1990 amendments of the Act in recognition of the efforts by many S/L/T, during the 1980's, to develop their own programs to address HAPs. One major purpose of section 112(l) is to provide a mechanism for the approval of S/L/T requirements and programs in lieu of the Federal standards, where such a demonstration can be made. A second goal of the program is to facilitate the delegation of section 112 standards to S/L/T programs that intend to implement and enforce the Federal requirements as written.

- **NOTICE; CALL FOR INFORMATION: "Air Quality Criteria for Ozone and Related Photochemical Oxidants", (65 FR 57810; September 26, 2000).**

On September 26, 2000, the Environmental Protection Agency (EPA) issued a notice to update and revise, where appropriate, the Air Quality Criteria for Ozone and Related Photochemical Oxidants, (EPA-600/P-93-004aF-cF), published in July 1996.

The EPA is interested in additional new information, particularly concerning the effects expected from the presence of ground-level ozone in the ambient air on: humans and laboratory animals; vegetation, both in agroecosystems (crops) and in natural ecosystems; nonbiological materials; and global climate. EPA also seeks recent information in other areas of ozone research such as its chemistry and physics, sources and emissions, analytical methodology, transport and transformation in the environment, and ambient concentrations.

Interested parties are invited to assist the EPA in developing and refining the scientific information base for updating the air quality criteria for ozone. All communications and information must be submitted by December 1, 2000, and addressed to the Project Manager for Ozone and Related Photochemical Oxidants, National Center for Environmental Assessment (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

Since completion of the 1996 ozone criteria document, the EPA has continued to collect scientific information on the effects of ground-level ozone on health and vegetation. A summary and evaluation of this and other selected literature that may be particularly relevant to a review of the National Ambient Air Quality Standards for ozone will be presented in the forthcoming revised criteria document.

- **NOTICE OF REVOCATION: 40 CFR Part 82.161, "Protection of Stratospheric Ozone: Notice of Revocation for Certifying Programs for Technicians", (65 FR 58069; September 27, 2000).**

On September 27, 2000, the Environmental Protection Agency (EPA) issued a notice announcing the revocation of five programs previously approved to provide the technician certification exam in accordance with the regulations promulgated at 40 CFR 82.161. Two of these programs, ACI-Environmental Safety Training Institute, New York, New York and Progressive Training Solutions (formerly Thunder-Light, Inc.), Punta Gorda, Florida were issued letters of revocation that included an explanation of EPA's decision, effective August 31, 2000. These two programs have not complied with the recordkeeping and reporting requirements established for all technician certification programs pursuant to section 608 of the Clean Air Act Amendments. The remaining three programs, the National Association of Plumbing-Heating-Cooling Contractors, Falls Church, Virginia; the Association of Energy Engineers, Atlanta, Georgia; and Gables

Residential, Boca Raton, Florida, have voluntarily withdrawn, have also received written notification that their certification has been revoked, effective November 30, 1999, December 30, 1999, and August 31, 2000, respectively.

- **NOTICE OF PROPOSED RULEMAKING: 40 CFR Part 82, “Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2001”, (65FR 59783; October 6, 2000)**

On October 6, 2000, the Environmental Protection Agency (EPA) issued a proposed rule to allocate essential-use allowances for stratospheric ozone depleting substances for the year 2001 control period. EPA allocates essential use allowances (EUAs) to an applicant for exempted production or import of a specific quantity of class I ozone depleting substances (ODS) solely for the designated essential purpose. Essential use allowances permit a person to obtain controlled ODS as an exemption to the January 1, 1996 regulatory phase-out of production and import of these substances.

In this proposed rule, EPA proposes to allocate essential use allowances for the use of chlorofluorocarbons (CFCs) in metered dose inhalers (MDIs), and methyl chloroform in the Space Shuttle and Titan Rocket solid rocket motor assemblies for calendar year 2001. This action also proposes changes to regulations at 40 CFR 82.12 that would allow transfer of EUAs for CFCs to be transferred among essential use recipients.

The Montreal Protocol (Protocol) on substances that deplete the ozone layer is the international agreement to reduce and eventually eliminate production and consumption of all stratospheric ozone depleting substances. The elimination of production and consumption is accomplished through adherence to phase-out schedules for the production and consumption of specific ODSs including chlorofluorocarbons (CFCs), halons, carbon tetrachloride, methyl chloroform, hydrochlorofluorocarbons, and methyl bromide. As of January 1996, production and import of class I ODSs were phased out in all developed countries, including the United States.

However, the Protocol and the Clean Air Act (CAA or Act) provide exemptions that allow for the continued import and/or production of class I ODS for specific uses. EPA is proposing to implement the exemption at 604(d)(2) of the Act. The exemption states that notwithstanding the phase-out, EPA shall, to the extent consistent with the Montreal Protocol, authorize production of limited quantities of class I ODSs for use in medical devices, if FDA, in consultation with EPA, determines that such production is necessary for use in medical devices. The term “medical device” is defined in section 601(8) of the Clean Air Act. EPA is proposing to allocate essential use allowances for the year 2001 control period to entities listed in Table III, “Essential Use Allocation for Calendar 2000” for exempted production or import of the specific quantity of class I controlled substances solely for the specified essential use.

- **FINAL RULE: AMENDMENTS: 40 CFR Parts 60, 61, and 63, “Amendments for Testing and Monitoring Provisions”, (65 FR 61744; October 17, 2000).**

On October 17, 2000, the Environmental Protection Agency (EPA) issued a final rule for making final minor amendments to the stationary source testing and monitoring rules. These amendments include miscellaneous editorial changes and technical corrections

that are needed. EPA is also promulgating Performance Specification 15, which contains the criteria for certifying continuous emission monitoring systems (CEMS) that use fourier transform infrared spectroscopy (FTIR). In addition, EPA is changing the outline of the test methods and CEMS performance specifications already listed in Parts 60, 61, and 63 to fit a new format recommended by the Environmental Monitoring Management Council (EMMC).

The editorial changes and technical corrections update the rules and help maintain their original intent. Performance Specification 15 will provide the needed acceptance criteria for FTIR CEMS as they emerge as a new technology. EPA is reformatting the test methods and performance specifications to make them more uniform in content and interchangeable with other Agency methods. The amendments apply to a large number of industries that are already subject to the current provisions of Parts 60, 61, and 63.

The major changes to the rule proposed on August 27, 1997(62 FR 45369) that resulted from public comments are discussed in Section III of this final rule.